

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ROBERT KOLINEK, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

WALGREEN CO., an Illinois corporation,

Defendant.

Civil Action No. 3:15-MC-085-L

ROBERT KOLINEK,

Respondent,

v.

PAIGE NASH

Movant.

**STIPULATION REGARDING MOTION TO QUASH AND
DISMISSAL OF MISCELLANEOUS ACTION**

Respondent Robert Kolinek (“Kolinek” or “Respondent”) and Movant Paige Nash (“Nash” or “Movant”) (collectively, the “Parties”), by and through their undersigned counsel, hereby stipulate and agree as follows:

WHEREAS, on April 3, 2015, the Honorable Matthew F. Kennelly of the United States District Court for the Northern District of Illinois granted preliminary approval to a proposed class action settlement that (if finally approved) would resolve all claims against Defendant Walgreen Co. arising out of its alleged violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, in the matter captioned *Kolinek v. Walgreen Co.*, No. 13-cv-4086, dkt. 97 (N.D. Ill.) (“*Kolinek* matter”);

WHEREAS, on July 16, 2015, Nash filed her objection to the proposed *Kolinek* settlement. Thereafter, Kolinek sought discovery (by way of third-party subpoena) from Nash, her counsel, and certain other objectors to the settlement;

WHEREAS, on July 31, 2015, Nash filed a motion (dkt. 1 [the “Motion”]) in this Court seeking to quash the subpoena served upon her;

WHEREAS, two other objectors filed motions to quash the subpoenas served upon them and their counsel before Judge Kennelly in the *Kolinek* matter;

WHEREAS, per this Court’s Order, on August 7, 2015, the Parties met and conferred regarding their respective positions on the relief sought in the Motion (*see* dkt. 3), and on August 10, 2015, filed their Joint Report regarding the same (dkt. 11);

WHEREAS, in the Joint Report, Nash and her counsel proposed that the Parties agree to apply any order of the *Kolinek* court with respect to the two motions pending before it to the subpoena served upon Nash (dkt. 11);

WHEREAS, on August 12, 2015, the *Kolinek* court denied the motions to quash pending before it and entered an order enforcing, in part, the subpoenas at issue;

WHEREAS, on August 14, 2015 and in light of the *Kolinek* court’s order, the Parties met and conferred (through counsel) and agreed that, subject to this Court’s approval, the *Kolinek* court’s order would govern the subpoena served upon Nash;

WHEREAS, the Parties have further agreed that (i) Nash shall produce any and all responsive, non-privileged documents or information in her possession, custody or control within seven (7) days of the filing of this stipulation, (ii) Nash’s Motion to quash is now moot, (iii) the hearing previously scheduled on the Motion for August 28, 2015 may be vacated, and (iv) this miscellaneous action shall be dismissed in its entirety;

NOW THEREFORE, THE PARTIES HEREBY STIPULATE and AGREE:

1. The August 12, 2015 order of the *Kolinek* court regarding the motions to quash pending before it shall control with respect to the subpoena served upon Nash;
2. Nash shall produce any and all responsive, non-privileged documents or information in her possession, custody or control within seven (7) days of the filing of this stipulation;
3. The hearing scheduled for August 28, 2015 on Nash's Motion shall be vacated; and
4. This miscellaneous action shall be dismissed *with prejudice*.

IT IS SO STIPULATED.

ROBERT KOLINEK, individually and
on behalf of the Settlement Class,

PAIGE NASH,

By: s/ Courtney C. Booth
One of Respondent's Attorneys

By: s/ Thomas L. Cox, Jr.
Movant's Attorney

Brandon V. Lewis
blewis@rctlegal.com
REID COLLINS & TSAI LLP
1601 Elm Street, Suite 4250
Dallas, Texas 75201
Tel: 214.420.8900
Fax: 214.420.8909

Thomas L. Cox, Jr.
tc Cox@yahoo.com
S.B. 04964400
7129 Tabor Dr.
Dallas, Texas 75231
Tel: 469.531.3313

Benjamin H. Richman
brichman@edelson.com
J. Dominick Larry
nlarry@edelson.com
Courtney C. Booth
cbooth@edelson.com
EDELSON PC
350 North LaSalle Street, Suite 1300
Chicago, Illinois 60654
Tel: 312.589.6370
Fax: 312.589.6378

CERTIFICATE OF SERVICE

I certify that on this 25th day of August, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the attorneys of record.

s/ Courtney C. Booth